

IN RE: PETITION FOR VARIANCE * BEFORE THE
NE/S Minnow Branch Road, 371' SE *
of the c/l of Eastern Ave. Ext. * DEPUTY ZONING COMMISSIONER
(7012 Minnow Branch Road) *
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District *
Case No. 96-464-A
Nannie Allender, Legal Owner, and *
Sharlene Barnes - Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7012 Minnow Branch Road, located in the vicinity of Eastern Avenue Extended, near Dundee Creek. The Petition was filed by Nannie Allender, legal owner of the property, and her daughter, Sharlene Barnes. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the required 10 feet for a proposed single family dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Sharlene Barnes, the Petitioner's daughter, Mac Omoile, Architect, and Joe Larson, Professional Engineer with Spellman, Larson & Associates, Inc., who prepared the site plan for this property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is part of a larger tract of land owned by Leonard and Nannie Allender, containing a gross area of 0.86 acres, zoned D.R. 5.5. The property is located within the Chesapeake Bay Critical Areas near Dundee Creek and as such, any development on the site is subject to compliance with Critical Areas legislation. The property has been in the Allender family for many

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

years and was recently subdivided to create two additional lots for Mrs. Allender's two daughters. Lot 1 of the overall tract is improved with the single family residence of Mrs. Allender while Lots 2 and 3 are presently unimproved. Mrs. Allender's daughter, Sharlene Barnes, is to acquire Lot 3 and is desirous of developing the property with a single family dwelling. Due to the site constraints associated with this particular lot, including wetlands to the rear of the property and a Critical Area easement which runs along the southeastern side property line, as shown on Petitioner's Exhibit 1, the building envelope for Lot 3 will be located 0 feet from the northwest side property line adjoining Lot 2. Thus, the requested variance is necessary in order to develop the property as proposed. Further testimony revealed that the Petitioners asked the Department of Environmental Protection and Resource Management (DEPRM) to allow the proposed development to infringe upon the Critical Area easement, but were denied approval of same and instructed to Petition for the subject variance. It should also be noted that Lot 2 is owned by Ms. Barnes' sister and that she has no objection to the requested variance.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or struc-

tures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evi-

ORDER RECEIVED FOR FILING

Date

By

dence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

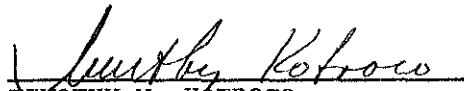
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of July, 1996 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the required 10 feet for a proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 4, 1996, attached hereto and made a part hereof.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/13/96
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 9, 1996

Mrs. Nannie Allender
7008 Minnow Branch Road
Chase, Maryland 21220

RE: PETITION FOR VARIANCE
NE/S Minnow Branch Road, 371' SE of the c/l of Eastern Ave. Ext.
(7012 Minnow Branch Road)
15th Election District - 5th Councilmanic District
Nannie Allender, Legal Owner, and Sharlene Barnes - Petitioners
Case No. 96-464-A

Dear Mrs. Allender:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Sharlene Barnes
1569 Clifton Avenue, Baltimore, Md. 21217

Mr. Joseph Larson, Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue, Towson, Md. 21204

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21014

DEPRM; People's Counsel; Case File

MICROFILMED



462



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-464-A

7012 MINNOW BRANCH ROAD

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B.02.3.C.1 to allow for a sideyard setback of 0' in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The subject property has been in the Allender Family for many years with the intention of providing future homesites for the Allenders two daughters. During the subdivision process to create these two lots the one lot was found to be severely impacted by environmental constraints. Without the sideyard variance a severe hardship will be created.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Ms. Sharlene Barnes

(Type or Print Name)

Sharlene Barnes

Signature

1569 Clifton Ave.

Address

Baltimore MD 21217

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Nannie Allender

(Type or Print Name)

Nannie Allender

Signature

(Type or Print Name)

Signature

7008 Minnow Branch Road 669-0692

Address

Phone No.

Chase MD 21220

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Spellman, Larson & Assoc.

Joseph L Larson

Name

105 W. Chesapeake Ave 823-3535

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

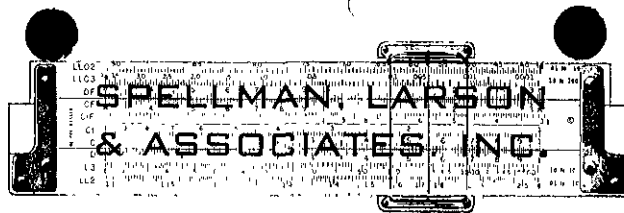
DATE

5/21/96

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Printed with Soybean Ink
on Recycled Paper



462
ROBERT E. SPELLMAN, P.L.S.
JOSEPH L. LARSON
JO ANN W. ROGGE

SUITE 109 — JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
TEL (410) 823-3535
FAX (410) 825-5215

96-464-A

DESCRIPTION FOR ZONING, PART OF THE ALLENDER PROPERTY, 7008
MINNOW BRANCH ROAD, 15TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northeast side of Minnow Branch Road as proposed to be widened by the addition of 10 feet to the north east side there for at the distance of 371 feet, more or less, measured southeasterly along the northeast side of Minnow Branch Road, as proposed to be widened, from the center line of Eastern Avenue and running thence and binding on the northeast side of Minnow Branch Road, as proposed to be widened south 45 Degrees 27 Minutes 00 Seconds east 80.02 feet thence leaving the northeast side of Minnow Branch Road as proposed to be widened and running north 38 Degrees 24 Minutes 00 Seconds east 175.14 feet north 48 Degrees 38 Minutes 28 Seconds west 80.00 feet and south 41 Degrees 38 Minutes 00 Seconds west 170.90 feet to the place of beginning.

Containing 0.32 acres of land, more or less.

05/06/96

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-464-A

District 158 Date of Posting 6/8/96
Posted for: Variances
Petitioner: Mamie Allen & Sharon Barnes
Location of property: 7012 Minnow Branch Rd
Location of Signs: Facing roadway on property back corner
Remarks: _____
Posted by [Signature] Date of return: 6/14/96
Number of Signs: 1



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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 985962
#462 BY JLL

DATE 5/21/96 ACCOUNT R0016150

96-464-A AMOUNT \$ 85.00

RECEIVED FROM: S. BARNES

FOR: IRU FILING 50.00
1 SIGN 35.00

MICROFILMED

DATE OF RECEIPT 6/21/96

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

96-464-A

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #96-464-A

(Item 462)

7012 Manow Branch Road
NE/S Manow Branch Road,
371 SE of Eastern Avenue,
15th Bechtel District

5th Councilmatic

Legal Owner(s):

Neane, Alexander

Contract Purchaser:

Shantene Barnes

Variance: to allow for a side yard setback of zero feet in lieu of the required 10 feet.

Hearing: Thursday, June 27, 1996 at 10:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3333.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

6/03/97 June 6

CS7303

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/6, 1996.

THE JEFFERSONIAN,

A. H. Williams

LEGAL AD. - TOWSON

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 462 Petitioner: Leonard / Nannie Allender

Location: 7000 Minnow Branch Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ms Sharlene Barnes

ADDRESS: 1569 Clifton Avenue

Baltimore MD 21217

PHONE NUMBER: 669-0692

MICROFILMED

TO: PUTUKENT PUBLISHING COMPANY
June 6, 1996 Issue - Jeffersonian

Please forward billing to:

Sharlene Barnes
1569 Clifton Avenue
Baltimore, MD 21217
669-0692

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-464-A (Item 462)
7012 Minnow Branch Road
NE/S Minnow Branch Road, 371' SE of c/l Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Nannie Allender
Contract Purchaser(s): Sharlene Barnes

Variance to allow for a sideyard setback of zero feet in lieu of the required 10 feet.

HEARING: THURSDAY, JUNE 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-464-A (Item 462)
7012 Minnow Branch Road
NE/S Minnow Branch Road, 371' SE of c/l Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Nannie Allender
Contract Purchaser(s): Sharlene Barnes

Variance to allow for a sideyard setback of zero feet in lieu of the required 10 feet.

HEARING: THURSDAY, JUNE 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Nannie Allender
Sharlene Barnes
Spellman, Larson & Associates

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 20, 1996

Ms. Nannie Allender
7008 Minnow Branch Road
Chase, MD 21220

RE: Item No.: 462
Case No.: 96-464-A
Petitioner: nannie Allender

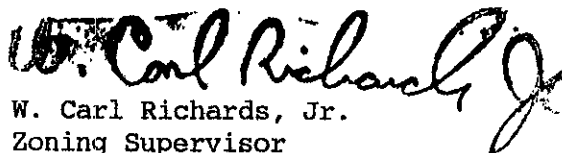
Dear Ms. Allender:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 20, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 03, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 460, 462, 463, 464, 465, 466,
468, 469 AND 470.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

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cc: File



Printed with Soybean Ink
on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

64-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 462 (JLL)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

June 4, 1996

FROM: Robert A. Wirth *RAW/ans*
DEPRM

SUBJECT: Zoning Item #462 - Allender Property
7012 Minnow Branch Road
Zoning Advisory Committee Meeting of June 3, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

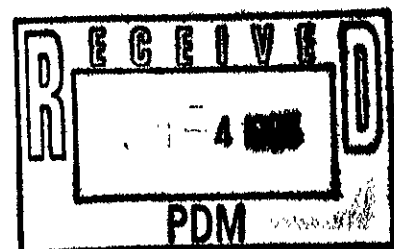
Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code). (See below for details).

1. Impervious surface areas are limited to 15% of entire property.
2. A 25' buffer (known as a Critical Area Easement) must be established from the edge of the non-tidal wetland. A Critical Area Administrative Variance to encroach into the Critical Area Easement has already been denied by Baltimore County DEPRM. (See attachment)

RAW:KK:sp

c: Nannie Allender

ALLENDER/DEPRM/TXTSBP



MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 10, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 10, 1996
Item Nos. 460, 462, 464, 465, 468,
469, and 470

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 11, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 458, 460, 462, 463, 464, 465, 466, 468 and 470

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL

PETITION PROBLEMS

#461 --- MJK

1. No telephone number for legal owner.

#462 --- JLL

1. No review information on bottom of petition form.

#463 --- MJK

1. Undersized lot information not in folder (only 1 copy of form).

#464 --- JRF

1. No zoning on folder.
2. No acreage on folder.
3. No election district on folder.
4. No councilmanic district on folder.
5. Old petition form was used - no address or zoning on form.

#466 --- CAM

1. No review information on bottom of variance petition.
2. Wording on special hearing petition is incomplete.

#467 --- JJS

1. No review information on bottom of petition form.
2. Petition says zoning is "BR"; folder says zoning is "BR-CSA & BR-CCC".

#470 --- CAM

1. No review information on bottom of petition form.
2. No item number on petition form.

RE: PETITION FOR VARIANCE * BEFORE THE
7012 Minnow Branch Road, NE/S Minnow *
Branch Road, 371' SE of c/l Eastern Ave. * ZONING COMMISSIONER
15th Election District, 5th Councilmanic *
Legal Owner(s): Nannie Allender * OF BALTIMORE COUNTY
Contract Purchaser(s): Sharlene Barnes * CASE NO. 96-464-A
Petitioners *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED



Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

NO MAIL RECEIPT
NO MAIL RECEIPT
NO MAIL RECEIPT
RETURN TO SENDER
BIR20

Mrs. Nannie Allender
7008 Minnow Branch Road
Chase, Maryland 21220

MICROFILMED

File
96-464-A
K.S. 2/1/2



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

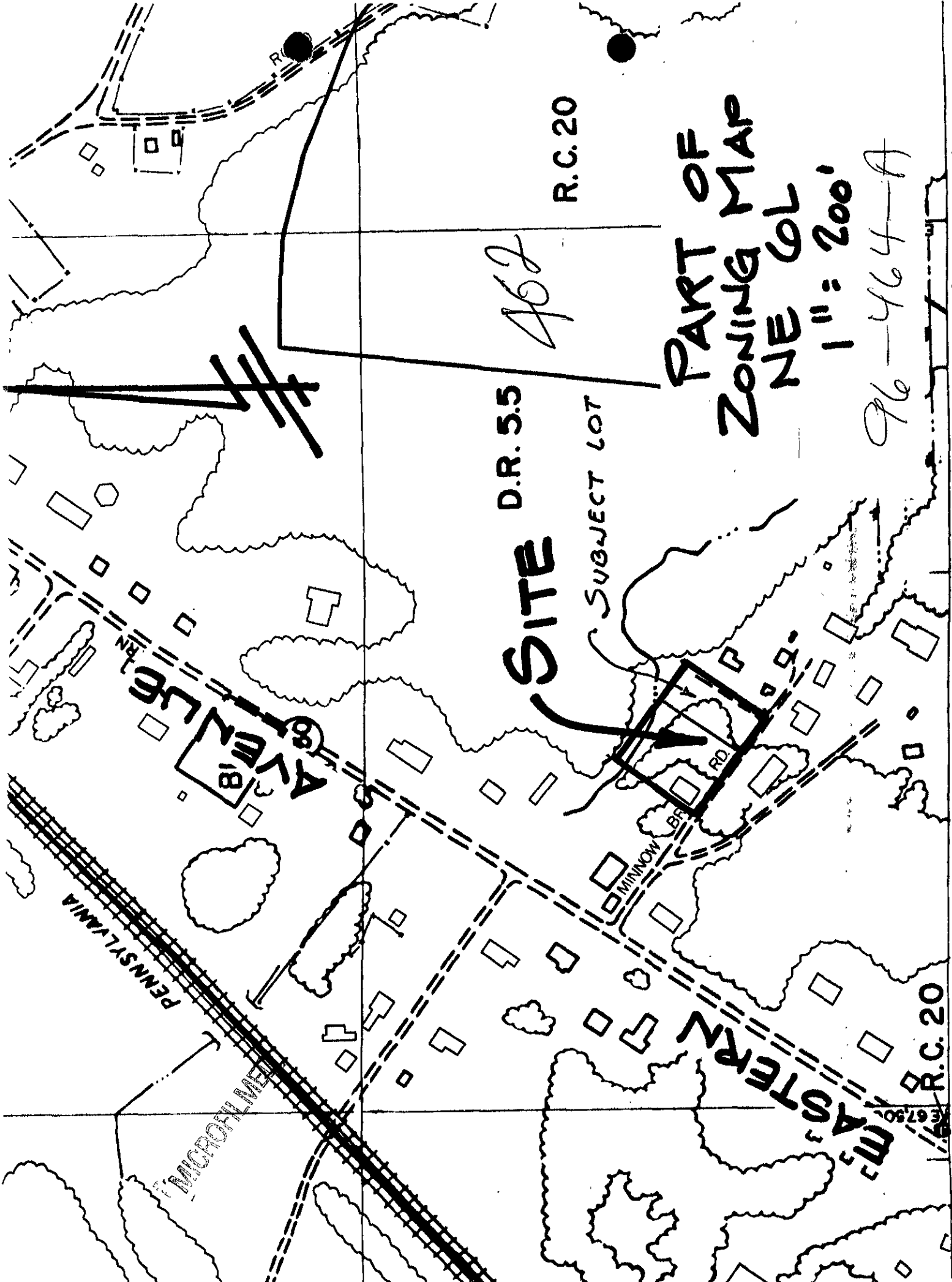
NAME

ADDRESS

JOSEPH LARSON
Sharlene Barnes
MAC OMOILE

Townson —
105 W. CHESAPEAKE AVE
33 Deer Lodge Ct Owings Mills
1 EAST CHASE ST. Suite 1118, Bldg.

MICROFILMED



R.C. 20

462

PART OF
ZONING MAP
NE 60L
1" = 200'

96-464-A

D.R. 5.5

SITE

SUBJECT LOT

PENNSYLVANIA

MINNOW BR

MINNOW BR

ASTORIA

R.C. 20

1/6 E6750

IN RE: PETITION FOR VARIANCE
NE/S Minnow Branch Road, 371' SE
of the c/l of Eastern Ave. Ext.
(7012 Minnow Branch Road)
15th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-464-A

Nannie Allender, Legal Owner, and
Sharlene Barnes - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 7012 Minnow Branch Road, located in the vicinity of Eastern Avenue Extended, near Dundee Creek. The Petition was filed by Nannie Allender, legal owner of the property, and her daughter, Sharlene Barnes. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the required 10 feet for a proposed single family dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Sharlene Barnes, the Petitioner's daughter, Mac Omelio, Architect, and Joe Larson, Professional Engineer with Spellman, Larson & Associates, Inc., who prepared the site plan for this property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is part of a larger tract of land owned by Leonard and Nannie Allender, containing a gross area of 0.86 acres, zoned D.R. 5.5. The property is located within the Chesapeake Bay Critical Areas near Dundee Creek and as such, any development on the site is subject to compliance with Critical Areas legislation. The property has been in the Allender family for many

years and was recently subdivided to create two additional lots for Mrs. Allender's two daughters. Lot 1 of the overall tract is improved with the single family residence of Mrs. Allender while Lots 2 and 3 are presently unimproved. Mrs. Allender's daughter, Sharlene Barnes, is to acquire Lot 3 and is desirous of developing the property with a single family dwelling. Due to the site constraints associated with this particular lot, including wetlands to the rear of the property and a Critical Area easement which runs along the southeastern side property line, as shown on Petitioner's Exhibit 1, the building envelope for Lot 3 will be located 0 feet from the northwest side property line adjoining Lot 2. Thus, the requested variance is necessary in order to develop the property as proposed. Further testimony revealed that the Petitioners asked the Department of Environmental Protection and Resource Management (DEPRM) to allow the proposed development to infringe upon the Critical Area easement, but were denied approval of same and instructed to Petition for the subject variance. It should also be noted that Lot 2 is owned by Ms. Barnes' sister and that she has no objection to the requested variance.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or struc-

tures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evi-

dence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of July, 1996 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0 feet in lieu of the required 10 feet for a proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit, and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is rescinded, the relief granted herein shall be rescinded.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 4, 1996, attached hereto and made a part hereof.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse
7008 Minnow Branch Road
Towson, MD 21204

July 9, 1996

(410) 887-4386

Mrs. Nannie Allender
7008 Minnow Branch Road
Chase, Maryland 21220

RE: PETITION FOR VARIANCE
NE/S Minnow Branch Road, 371' SE of the c/l of Eastern Ave. Ext.
(7012 Minnow Branch Road)
15th Election District - 5th Councilmanic District
Nannie Allender, Legal Owner, and Sharlene Barnes - Petitioners
Case No. 96-464-A

Dear Mrs. Allender:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjjs

cc: Ms. Sharlene Barnes
1569 Clifton Avenue, Baltimore, Md. 21217

Mr. Joseph Larson, Spellman, Larson & Associates, Inc.
105 W. Chesapeake Avenue, Towson, Md. 21204

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21014

DEPRM; People's Counsel; Case File



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 7012 MINNOW BRANCH ROAD
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 to allow for a sideyard setback of 0' in lieu of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty): The subject property has been in the Allender family for many years with the intention of providing future homesites for the Allenders two daughters. During the subdivision process to create these two lots the one lot was found to be severely impacted by environmental constraints. Without the sideyard variance a severe hardship will be created.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petitioner Name

Ms. Sharlene Barnes

1569 Clifton Ave.

Baltimore MD 21217

City of Baltimore

State of Maryland

County of Baltimore

Address

City

State

County

Address

City

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Legal Owner(s)

Nannie Allender

7012 Minnow Branch Road

Chase, MD 21220

City of Baltimore

State of Maryland

County of Baltimore

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 95882
#462 BY 46

DATE 7/24/96 ACCOUNT 200000
96-464-A AMOUNT \$ 85.00

RECEIVED FROM: 200000
100.00 - 20.00
FOR: 80.00

VALIDATION OF SIGNATURE OF CASHIER
96-464-A

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 462 Petitioner: Leonard & Nannie Allender
Location: 7008 Minnow Branch Road

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Ms. Sharlene Barnes
ADDRESS: 1569 Clifton Avenue
Baltimore MD 21217
PHONE NUMBER: 669-0692

TO: PUTNEY PUBLISHING COMPANY
June 6, 1996 Issue - Jeffersonian

Please forward billing to:
Sharlene Barnes
1569 Clifton Avenue
Baltimore, MD 21217
669-0692

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-464-A (Item 462)
7012 Minnow Branch Road
W/2 Minnow Branch Road, 371' SE of c/l Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Nannie Allender
Contract Purchaser(s): Sharlene Barnes

Variance to allow for a sideyard setback of zero feet in lieu of the required 10 feet.
HEARING: THURSDAY, JUNE 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE S. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-464-A (Item 462)
7012 Minnow Branch Road
W/2 Minnow Branch Road, 371' SE of c/l Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Nannie Allender
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Variance to allow for a sideyard setback of zero feet in lieu of the required 10 feet.
HEARING: THURSDAY, JUNE 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Nannie Allender
Sharlene Barnes
Spelman, Larson & Associates

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 20, 1996

Ms. Nannie Allender
7008 Minnow Branch Road
Chase, MD 21220

RE: Item No.: 462
Case No.: 96-464-A
Petitioner: Nannie Allender

Dear Ms. Allender:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 20, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4850

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING OF JUNE 03, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 460, 462, 463, 464, 465, 466, 468, 469 AND 470.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 464-A (Item 462)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: Robert A. Wirth
DEPRM

SUBJECT: Zoning Item #462 - Allender Property
7012 Minnow Branch Road
Zoning Advisory Committee Meeting of June 3, 1996

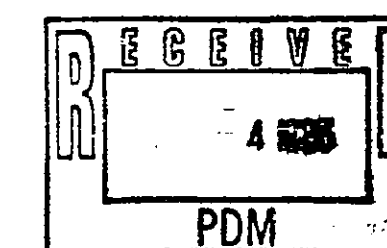
June 4, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code). (See below for details).

1. Impervious surface areas are limited to 15% of entire property.
2. A 25' buffer (known as a Critical Area Easement) must be established from the edge of the non-tidal wetland. A Critical Area Administrative Variance to encroach into the Critical Area Easement has already been denied by Baltimore County DEPRM. (See attachment)

RAW:KK:sp
cc: Nannie Allender
ALLENDR/DEPRM/TXTSBP



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: June 10, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 10, 1996
Item Nos. 460, 462, 464, 465, 468,
469, and 470

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJD:jrb

cc: File

ONE12

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: June 11, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 458, 460, 462, 463, 464, 465, 466, 468 and 470

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kinn*

PK/JL

ITEM458/PZONE/TXTJWL

PETITION PROBLEMS

#461 --- MJK

1. No telephone number for legal owner.

#462 --- JLL

1. No review information on bottom of petition form.

#463 --- MJK

1. Undersized lot information not in folder (only 1 copy of form).

#464 --- JRF

1. No zoning on folder.
2. No acreage on folder.
3. No election district on folder.
4. No councilmanic district on folder.
5. Old petition form was used - no address or zoning on form.

#466 --- CAM

1. No review information on bottom of variance petition.
2. Wording on special hearing petition is incomplete.

#467 --- JJS

1. No review information on bottom of petition form.
2. Petition says zoning is "BR"; folder says zoning is "BR-CSA & BR-CCC".

#470 --- CAM

1. No review information on bottom of petition form.
2. No item number on petition form.

May 30, 1996

RE: PETITION FOR VARIANCE
7012 Minnow Branch Road, NE/S Minnow
Branch Road, 371' SE of c/l Eastern Ave.
15th Election District, 5th Councilmanic
Legal Owner(s): Nannie Allender
Contract Purchaser(s): Sharlene Barnes
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-464-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

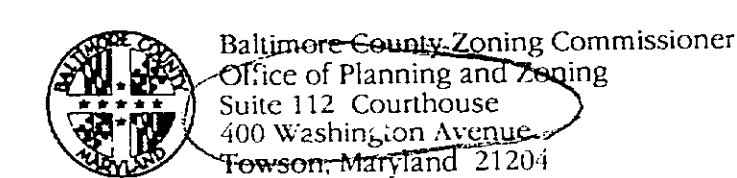
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Joseph L. Larson, Spellman, Larson & Assoc., 105 W. Chesapeake Avenue, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

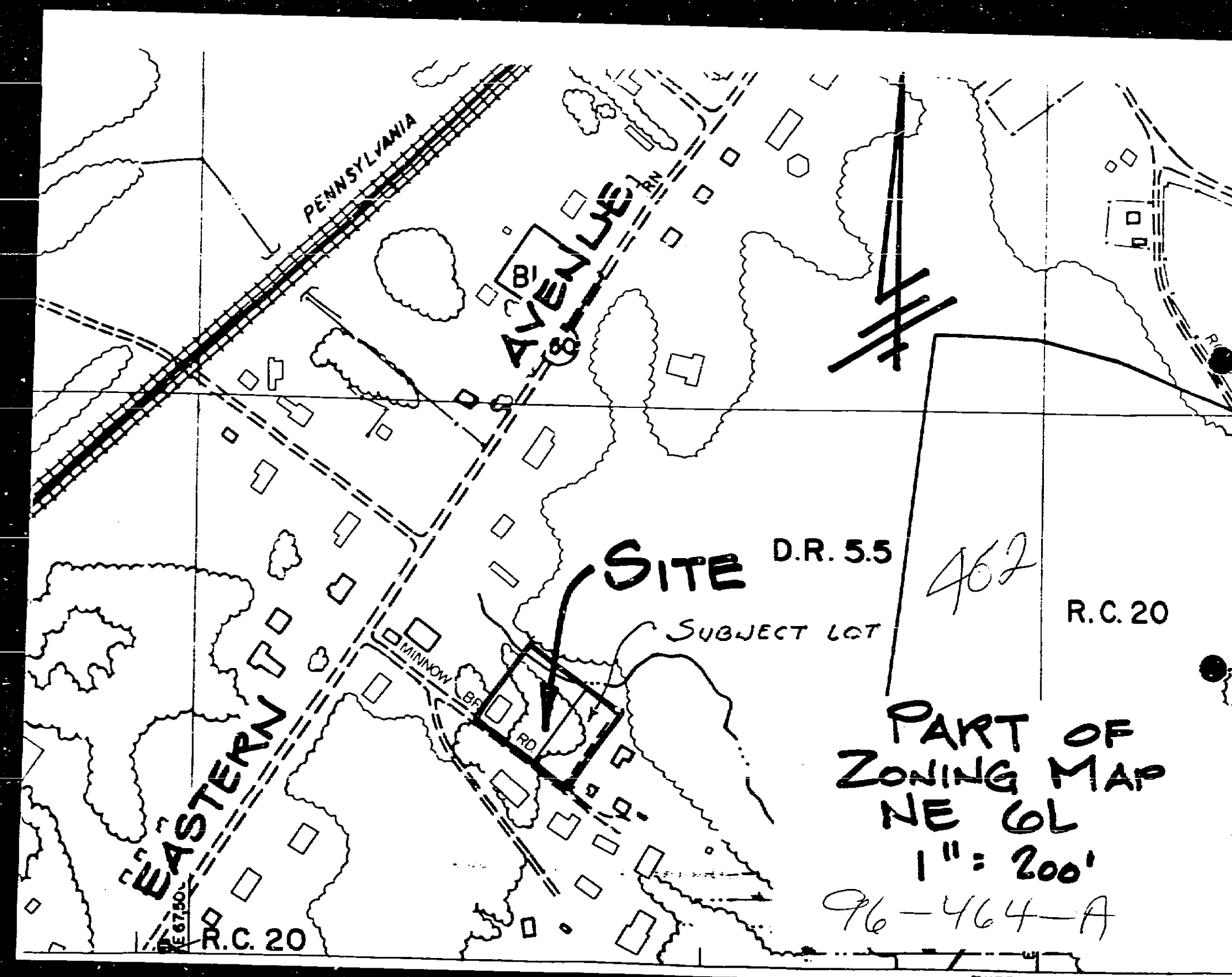
Ms. Nannie Allender
7008 Minnow Branch Road
Chase, Maryland 21220

NO MAIL RECEPTACLE

PLEASE PRINT CLEARLY

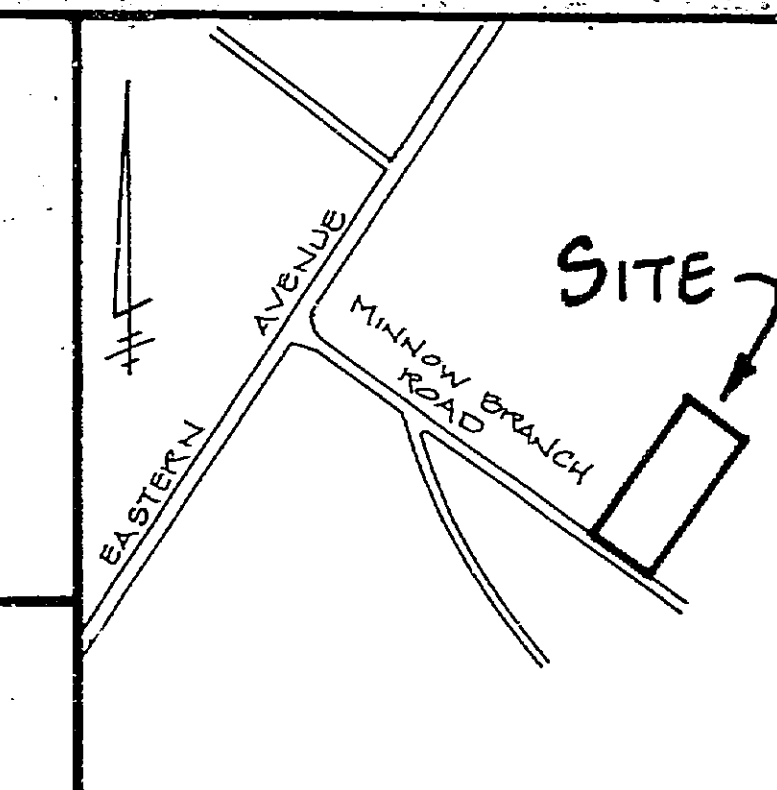
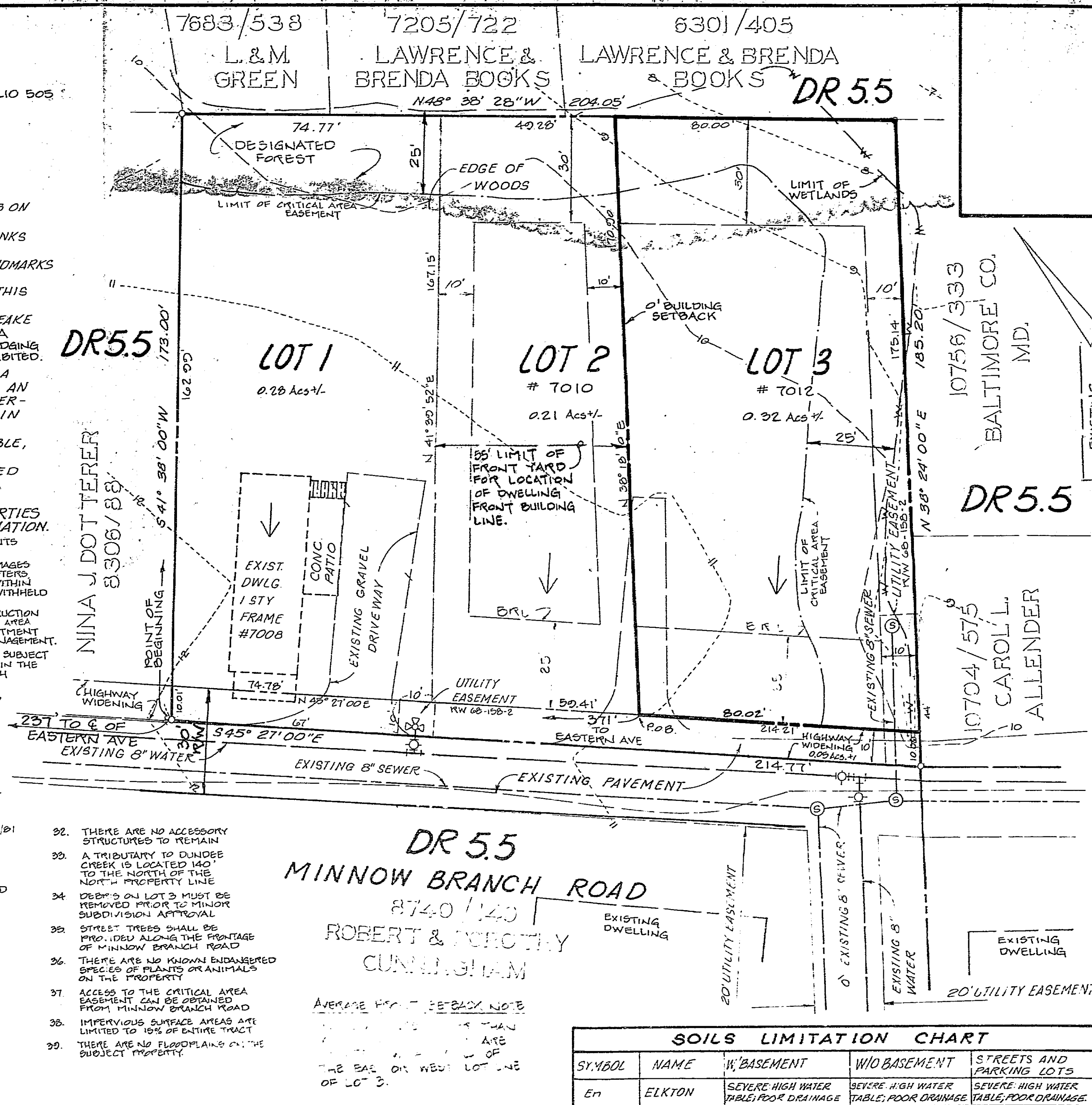
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOSEPH LARSON	105 W. CHESAPEAKE AVE. Towson
Sharlene Barnes	33 Deer Ridge Ct. Ewing
MAC DEMILIO	1601 CHASE CT. MD 21204



GENERAL NOTES

1. EXISTING ZONING: D.R. 5.5
2. ZONING MAP: NE-6-L
3. TAX ACCOUNT NO. 15-13-551404
4. DEED REFERENCE: LIBER 10965 FOLIO 505
5. TAX MAPS: PARCELS 213
6. CENSUS TRACT: 4518.01
7. REGIONAL PLANNING DISTRICT: 322B
8. SCHOOL DISTRICT: CHASE 56
9. COUNCIL MANIC DISTRICT: 5
10. WATERSHED: 2
11. SUB-SEWERSHED: 11
12. THERE ARE NO HAZARDOUS MATERIAL SITES ON THIS PROPERTY.
13. THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS PROPERTY.
14. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THIS PROPERTY.
15. THERE ARE NO ARCHEOLOGICAL SITES ON THIS PROPERTY.
16. THIS PROPERTY IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA-DESIGNATION L.D.A.
17. IN ACCORDANCE WITH BILL NO. 56-82, DREDGING, FILLING OR CONSTRUCTION IN WETLANDS IS PROHIBITED.
18. ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPROVING AN ADVERSE IMPACT ON THE RECEIVING WATER-BODY, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
19. PROPOSED DRIVES SHALL BE OF A DURABLE, DUSTLESS SURFACE.
20. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED INTO PERVIOUS AREAS OR INTO DRYWELLS, WHERE FEASIBLE.
21. THE ENTIRE SITE AND ADJACENT PROPERTIES ARE IN THE ELKTON (En) SOIL DESIGNATION.
22. A VARIANCE OF MINIMUM OPEN SPACE REQUIREMENTS HAS BEEN APPLIED FOR.
23. THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES SUCH AS WATER METERS, MANHOLES, CURBS AND GUTTERS, AND PILETS WITHIN THE SUBDIVISION OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED.
24. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE CRITICAL AREA EASEMENT EXCEPT AS PERMITTED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
25. ANY CRITICAL AREA EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
26. THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS ON SITE.
27. THE PROPERTY TO BE DEVELOPED IS LOCATED ADJACENT TO ICEWATER. THE DEVELOPER IS ADVISED THAT THE PROPER SECTIONS OF THE BALTIMORE COUNTY BUILDING CODE MUST BE FOLLOWED WHERE BY ELEVATION LIMITATIONS ARE PLACED ON THE LOWEST FLOOR, INCLUDING BASEMENTS.
28. IN COMPLIANCE WITH FEDERAL FLOOD INSURANCE REG. PROVISIONS, THE FIRST FLOOR OR BASEMENT FLOOR MUST BE AT LEAST 1 FOOT OVER THE FLOOD PLAIN ELEVATION IN ALL CONSTRUCTION.
29. THE PROPERTY HAS BEEN HELD INTACT SINCE 1978. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE CRITICAL AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA.
30. A ZONING FINAL DEVELOPMENT PLAN IS REQUIRED WHEN A 4TH LOT IS CREATED AS DETERMINED AS FROM EFFECTIVE DATE ZONING REGULATIONS FOR THAT ZONE.
31. THERE IS NO PREVIOUS ZONING CASE HISTORY FOR THIS PROPERTY.
32. THERE ARE NO ACCESSORY STRUCTURES TO REMAIN.
33. A TRIBUTARY TO DUNDIE CREEK IS LOCATED 140' TO THE NORTH OF THE NORTH PROPERTY LINE.
34. OBJECTS ON LOT 3 MUST BE REMOVED PRIOR TO MINOR SUBDIVISION APPROVAL.
35. STREET TREES SHALL BE PROVIDED ALONG THE FRONTAGE OF MINNOW BRANCH ROAD.
36. THERE ARE NO KNOWN ENDANGERED SPECIES OF PLANTS OR ANIMALS ON THE PROPERTY.
37. ACCESS TO THE CRITICAL AREA EASEMENT SHALL BE PROVIDED FROM MINNOW BRANCH ROAD.
38. IMPERVIOUS SURFACE AREAS ARE LIMITED TO 10% OF LOT AREA.
39. THERE ARE NO FLOODPLAINS ON THE SUBJECT PROPERTY.



VICINITY MAP 1" = 200'

SITE DATA

AREA OF TRACT: 0.86 ACS GROSS, 0.81 ACS. NET
 EXISTING ZONING: DR 5.5
 ALLOWABLE DENSITY: 5.5 x .86 = 4.73
 ALLOWABLE DENSITY (CBCA): 4.0 x .86 = 3.44
 PROPOSED NUMBER OF UNITS: 3
 EXISTING USE: RESIDENTIAL - 1 LOT (SINGLE FAMILY)
 PROPOSED USE: RESIDENTIAL - 3 LOTS (SINGLE FAMILY)
 UTILITIES: EXISTING PUBLIC WATER
 EXISTING PUBLIC SEWER

ZONING PETITION REQUEST

A VARIANCE REQUEST FOR LOT No. 3 TO ALLOW FOR A 0' SIDEYARD IN LIEU OF THE REQUIRED 10'.

PETITIONER'S
46 EXHIBIT 1

NO.	DATE	REVISIONS	DESCRIPTION
1	5/15/99	REV. PER ZONING OFFICE COMMENTS	

SPELLMAN, LARSON & ASSOCIATES, INC.

CIVIL ENGINEERS AND LAND SURVEYORS
 SUITE 109, JEFFERSON BLDG, TOWSON, MD. 21204
 PHONE: 823-3535

OWNERS

LEONARD & NANNIE ALLENDER
 7008 MINNOW BRANCH RD.
 CHASE, MD. 21220
 PHONE: 669-0692

PLAT TO ACCOMPANY
 ZONING PETITION FOR LOT #3
 ALLENDER PROPERTY

MINNOW BRANCH ROAD

5th ELECTION DISTRICT BALTIMORE CO. MD.

SCALE: 1" = 20' DES. BY: J.L.Z. SHT. 1 OF 1
 DATE: 5.9.99 DRN. BY: J.R.H.

94064

SOILS LIMITATION CHART

SYMBOL	NAME	W/BASEMENT	W/O BASEMENT	STREETS AND PARKING LOTS
En	ELKTON	SEVERE HIGH WATER TABLE; POOR DRAINAGE	SEVERE HIGH WATER TABLE; POOR DRAINAGE	SEVERE HIGH WATER TABLE; POOR DRAINAGE